IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.5526/1999.

Dr.(Mrs.) Anu Sharma. **VERSUS** The State of Raj. & Ors.

06.11.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Sunil Samdaria, for the petitioner.
Mr.B.K.Sharma, Deputy Government Advocate.

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Heard learned counsel for the parties and perused the record.

The petitioner is seeking stipend for the extended period of her training. The petitioner while doing her Post Graduation remained absent during the course for a period of nearly 130 days. The order (Annexure-9) came to be passed on 2nd November, 1995 which reads as under:-

> "The absence period of Dr.(Mrs.)Anu Upadhyaya, Resident House Officer in the Department of Obst. & Gynaecology of this College w.e.f. 2-6-95 to 9-10-95 (130 days) is hereby regularised by granting at her own risk and with no liability to the Government for further extension in her term and stipend for the extended term."

Thus, at the time when the absence of the petitioner was regularized and term extended, it was specifically mentioned that no liability with regard to the payment of stipend during the extended term would be

borne by the Government. The petitioner accepted the same and it is only in the year 1999 i.e. after four years on 21.10.1999 that the petitioner has raised this dispute before this court. The aforesaid dispute has been raised on account of the circular of the Government dated 09.10.1998 on the basis of para 1 thereof which reads as follows:-

> "1. बढ़ी हुई अवधि के लिए शैक्षणिक वृत्ति का भुगतान इस मद में बचत राशि उपलब्ध होने पर ही किया जावे ।"

In the facts and circumstances of the present case, since the petitioner's case of absence was regularized vide Annexure-9 dated 2nd November, 1995 by the Government without accepting any liability and for payment of stipend, the petitioner in my opinion, cannot be held entitled to the payment of stipend during the extended period of terms of her course. Moreover, this petition also suffers from delay and laches as it has been filed after four years of passing the order in 1995.

The writ petition consequently stands dismissed.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.